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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,562	08/19/2003	Gary M. Klinefelter	F12.12-0122	4920
27367	7590	07/27/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A.			ST CYR, DANIEL	
SUITE 1400				
900 SECOND AVENUE SOUTH			ART UNIT	
MINNEAPOLIS, MN 55402-3319			PAPER NUMBER	
			2876	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/643,562	KLINEFELTER ET AL.	
Examiner	Art Unit	
Daniel St.Cyr	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/26/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,11,12,14-19,21-31,33-38,40-47 and 50-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,11,12,14-19,21-31,33-38,40-47 and 50-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant amendment filed 6/26/06.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, 6, 8, 14-19, 21-23, 25, 26, 28-31, 34-38, 40, 41, 43-45, 47, and 50-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Slocum et al, US Patent No. 6,430,306.

Slocum et al disclose systems and methods for identifying images comprising: a recording unit 14 for recording on data cards 90; a vision inspection cell 12 for inspection of the data card 90; an imaging station fixture 30 optically coupled to one or more camera stations, the camera element to image the data recorded onto the data card 90; a decoding unit 58 decodes the identification signal of the data card 90, the vision inspection cell 12 images each data card 90 as it passes through the vision inspection cell 12, compares the images to the respective data record and passes the data card 90 to the packaging unit 16, the support fixture 30 has a sensor 74 that connects to the support fixture 30 for being able to detect when a data card 90 has been inserted therein, the sensor 74 connects via a transmission path to the CPU 26, the CPU 26, further includes an image memory buffer 38; a program sequence operating the CPU 26, stores in the image memory buffer 38, a copy of the image signal transmitted from the network job builder unit 18 for the respective card being manufactured, the CPU 26, generates a comparison

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signal by comparing the image data acquired from the data card 90 in the fixture 30 with the image data used to manufacture the data card 90 in the recording unit 14 to manufacture the data card 90, the comparison signal is transmitted via the transmission path to the network job builder 18 and stored in a status file that can be transmitted to the control image server 20 as a status report (see col. 19, line 35+ and elsewhere). The systems include means to invalidate the card by invalidating the magnetic stripe information to indicate incomplete processed cards and means for printing information onto completely processed cards (see col. 18, line 47+). The magnetic stripe is read for comparison with record data to validate or invalidate the card (see col. 19, lines 10-20). The systems of Slocum are capable of performing all the method steps recited in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 11, 13, 27, 42, and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Slocum et al. The teachings of Slocum et al have been discussed above.

Slocum et al teach a magnetic card wherein invalidating data invalidates the card the magnetic stripe information, but fail to disclose a chip card wherein the void data is stored in the chip memory. However, chip cards are functionally equivalent to the magnetic card of Slocum et al and are well known in the art.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Slocum et al to include the well-known chip memory card for storing card information. Such modification would provide greater storage space, which would allow storing of more personal information to make the system more secure and more effective. Therefore, it would have been an obvious extension as taught by Slocum et al.

7. Claims 4, 24, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slocum et al. The teachings of Slocum et al have been discussed above.

Slocum et al disclose voiding the card (voiding the magnetic information on the magnetic Stripe, but fail to disclose printing a “void” mark on the card (i.e. on the face of the card).

Encoding “void” on the face of the card is functionally equivalent as voiding the magnetic information to indicate voided, rejected cards.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Slocum et al to encode a void marks onto the card for identifying rejected card. Such modification would effectively assist users in identifying rejected cards from non-rejected cards without having to process cards (i.e. electronically read

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the cards), which would make the system more effective, more convenient, and more secured by discouraging unauthorized users from attempting to use rejected cards in the system. Therefore, it would have been an obvious extension as taught by Slocum et al.

Response to Arguments

8. Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive. (See examiner remarks).

REMARKS:

In response to the applicant argument that Slocum et al fail to disclose invalidating the card when the card is incompletely processed, the examiner respectfully disagrees. Slocum et al disclose invalidating the magnetic information as to indicate a failed card and printing information onto incompletely processed data card (see col. 18, line 45+). Failed cards are considered to be incomplete processed cards (these cards are either missing information or their information does not compare to information on file or their information is unreadable) and they are modified by writing on the magnetic stripe the failed status.

In response to the applicant's second argument that the reference fails to disclose a controller configured to generate verification results, the examiner respectfully disagrees. the inspection cell 12 includes a CPU 26 for comparing the information on the card with filed information to determine whether the card is completed or incomplete (valid or invalid) so as to generate a result indicating the status of the card, wherein the status is written onto the card. (see fig. 1). The CPU determines the card's status and generates the status signal that a reader/writer modifies the card.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). For instance to print the word "VOID" onto rejected card is within the level of ordinary skill in the art.

The applicant's arguments are not persuasive. Refer to the rejection above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

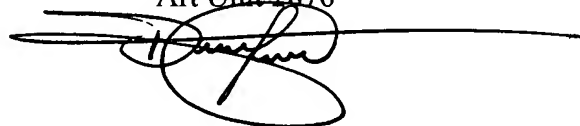
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

DS
July 19, 2006